

ENTERED

June 09, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

TIMOTHY L. BOURGEOIS, <i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. 3:22-CV-146
	§	
SELECT PORTFOLIO SERVICING,	§	
INC., <i>et al.</i> ,	§	
	§	
Defendants.	§	

ORDER

On May 19, 2022, the defendants Hughes, Watters & Askanase, L.L.P., and Anthony Garcia moved to dismiss the plaintiffs' suit. Dkt. 6. The motion was not accompanied by a certificate of conference as required by Local Rule 6, which states that the court will *sua sponte* grant an opportunity to amend when a movant has not followed this rule. *See* Galveston District Court Rules of Practice.¹ The plaintiffs filed their amended complaint on June 5, outside the 14-day window contemplated by Local Rule 6. On June 6, the plaintiffs moved to remand. Dkt. 9. On June 8, the defendant Select Portfolio Servicing, Inc., moved to strike the amended complaint because it was filed more than 21 days after the defendant's responsive pleading and the plaintiffs did not seek leave of court. Dkt. 10. On June 8, the plaintiffs moved

¹ Available at <https://www.txs.uscourts.gov/sites/txs/files/GalvestonDistrictCourtRulesofPractice.pdf>.

to continue their response date to the motion to dismiss until after the court resolves the motion to remand.

Having all that before it, the court **GRANTS** the motion to strike the amended complaint. Dkt. 10. It is hereby ordered that Dkt. 8 is **STRICKEN**. The court **GRANTS** the motion for continuance, Dkt. 11, and orders that the response to the motion to dismiss, Dkt. 6, is continued until the court's resolution of the motion to remand, Dkt. 9.

Signed on Galveston Island this 9th day of June, 2022.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE